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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,922	10/08/2003	Robert H. Perkinson	67,010-031;H2597-PP	7595

26096 7590 01/12/2005

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EXAMINER

KERSHTEYN, IGOR

ART UNIT	PAPER NUMBER
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3745

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/680,922	Applicant(s) PERKINSON ET AL.	
	Examiner Igor Kershteyn	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-19 is/are allowed.
- 6) ☒ Claim(s) 20-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/08/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/08/03,07/16/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by David (4,650,400).

In figures 1-18, David teaches a flight control method for an aircraft comprising a propeller system having a plurality of rigidly mounted propeller blades 11, said method comprising the steps of: collectively changing a pitch of the plurality of rigidly mounted propeller blades 11 of the propeller system to generate a thrust; and cyclically changing the pitch of the plurality of propeller blades 11 to generate a moment.

Claims 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by David (4,730,795).

In figures 1-25, David teaches a flight control method for an aircraft comprising a propeller system having a plurality of rigidly mounted propeller blades 17,19 and 18,20, said method comprising the steps of: collectively changing a pitch of the plurality of rigidly mounted propeller blades 17,19 and 18,20 of the propeller system to generate a

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trust; and cyclically changing the pitch of the plurality of propeller blades 17,19 and 18,20 to generate a moment.

Claims 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Weiland (4,163,630).

In figures 1-4, Weiland teaches a flight control method for an aircraft comprising a propeller system having a plurality of rigidly mounted propeller blades 22, said method comprising the steps of: collectively changing a pitch of the plurality of rigidly mounted propeller blades 22 of the propeller system to generate a trust; and cyclically changing the pitch of the plurality of propeller blades 22 to generate a moment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over David (4,650,400) in view of Bass et al. (6,789,764).

David teaches all the claimed subject matter except that he doesn't teach the two propeller systems.

Bass et al. in figures 1 and 2, teach a flight control method for an aircraft comprising two propeller systems.

Since David and Bass et al. are analogous art because they are from the same field of endeavor, that is the flight control systems for an aircraft art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide the method of flight control of David with the two propeller systems as taught by Bass et al. for the purpose of providing a method of flight control of an aircraft for carrying large amounts of cargo with increased payload weight.

Allowable Subject Matter

Claims 1-19 are allowed.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of five patents.

Mautz et al. (3,824,037) is cited to show a helicopter rotor having rigidly mounted propeller blades.

Miyatake et al. (4,591,313) is cited to show propeller control system having a propeller shaft, a translating pitch yoke but fails to teach a deflectable yoke.

Carvalho et al. (5,199,850) is cited to show propeller control system having a propeller shaft, a translating pitch yoke but fails to teach a deflectable yoke.

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Pruden et al. (6,077,040) is cited to show propeller control system having a propeller shaft, a translating pitch yoke but fails to teach a deflectable yoke.

UK Paten Application GB-2140096A is cited to show propeller control system having a propeller shaft, a translating pitch yoke but fails to teach a deflectable yoke.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK
January 7, 2005



Igor Kershteyn
Patent examiner.
Art Unit 3745



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
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1/10/05